

## 2011 DRAFTING REQUEST

### Bill

Received: 09/20/2011

Received By: rchampag

Wanted: Soon

Companion to LRB:

For: Bob Ziegelbauer (608) 266-0315

By/Representing: Steve Hurley

May Contact:

Drafter: rchampag

Subject: Employ Pub - retirement

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Ziegelbauer@legis.wisconsin.gov

Carbon copy (CC:) to: Steve.Hurley@etf.state.wi.us

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### Pre Topic:

No specific pre topic given

---

### Topic:

Rehire of WRS Annuitants

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### Instructions:

per Steve:

1. 6 month break in service, not 30 days.
2. Annuitant must stop annuity if rehired into a position half-time or more with an expected duration of 1 year or more.

---

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L Retire
/1	rchampag 09/27/2011	jdyer 10/04/2011	rschluet 10/04/2011	_____	sbasford 10/04/2011		S&L Retire

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	rchampag 10/14/2011	jdye 10/14/2011	rschluet 10/14/2011	_____	lparisi 10/14/2011	ggodwin 10/24/2011	

FE Sent For:

&lt;END&gt;

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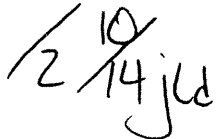
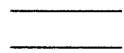
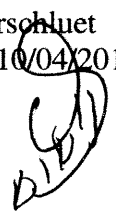
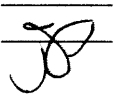
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rchampag

10/4/11

10/4/11

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FE Sent For:

<END>

**Champagne, Rick**

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**From:** Hurley, Steve [Steve.Hurley@etf.state.wi.us]

**Sent:** Monday, September 19, 2011 3:51 PM

**To:** Champagne, Rick

**Subject:** ETF Return to Work

Rick,

As it turns out, Jon is not in the office today. I looked at the other "return to work" proposed Bill (LRB-2567/2) that you referred to on the phone.

Section 5, creating 40.26 (1m) looks good for what we need in my latest request, except of course the part under (b) that the participant cannot again become a participating employee under the WRS, health insurance, etc. I will confirm the answer to your question with Jon tomorrow, but my opinion is that you can indeed use parts of LRB-2567/2 for the Ziegelbauer draft.

Finally, while it was not specifically discussed with the Ziegelbauer, I believe that we should also include in this draft the Section 1 and 2 "LTE" exclusions and the Section 7 emergency rule provisions from LRB-2567/2.

Please let me know if you need more info. Thanks!

Steve

Steve Hurley, Director  
Office of Policy, Privacy & Compliance  
Wisconsin Department of Employee Trust Funds  
(☎) (608) 267-2847

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**Champagne, Rick**

---

**From:** Hurley, Steve [Steve.Hurley@etf.state.wi.us]  
**Sent:** Tuesday, September 20, 2011 3:53 PM  
**To:** Champagne, Rick  
**Subject:** ETF Return to Work [CORRECTION]  
**Importance:** High

Rick,

The eligibility requirement in the proposed Bill for Zeigelbauer needs to be such that if the participant is expected to work more than **2/3 time** (not ½, as I previously advised) for at least a year for a participating WRS employer. The annuity must be terminated and the participant must reestablish the WRS account and fully participate.

---

**From:** Hurley, Steve  
**Sent:** Monday, September 19, 2011 3:51 PM  
**To:** 'rick.champagne@legis.wisconsin.gov'  
**Subject:** ETF Return to Work

Rick,

As it turns out, Jon is not in the office today. I looked at the other "return to work" proposed Bill (LRB-2567/2) that you referred to on the phone.

Section 5, creating 40.26 (1m) looks good for what we need in my latest request, except of course the part under (b) that the participant cannot again become a participating employee under the WRS, health insurance, etc. I will confirm the answer to your question with Jon tomorrow, but my opinion is that you can indeed use parts of LRB-2567/2 for the Ziegelbauer draft.

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Please let me know if you need more info. Thanks!

Steve

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State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2944/1

RAC:.....

jd

due  
10/5

*[Signature]*

2011 BILL

on request

✓

-gen. cat

1

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AN ACT ...; relating to: post-retirement employment of annuitants under the Wisconsin Retirement System and granting rule-making authority.

providing an exemption from emergency rule procedures,

**Analysis by the Legislative Reference Bureau**

Under current law, a participant in the Wisconsin Retirement System (WRS) who has attained the age of 55, or a protective occupation participant who has attained age 50, is entitled to receive a WRS annuity if, among other requirements, the participant is separated from covered employment under the WRS until the latest of the following: the annuity effective date; the date 30 days after the application is received by the Department of Employee Trust Funds (DETF); or the date 30 days after separation from all covered employment. The bill provides that the participant must be separated from covered employment under the WRS for at least 180 days.

In addition, under current law, when a WRS participant terminates covered employment and becomes an annuitant he or she may return to covered employment and either terminate the annuity and again become a participating employee or, instead, continue to receive the annuity, as well as wages from covered employment. If a participant continues to receive the annuity, he or she may not be a participating employee in the WRS and, in the case of state employment, is not eligible for group insurance benefits provided to participating employees, and may not use any of his or her employment service as a rehired annuitant for any WRS purposes. If the participant terminates the annuity, he or she returns to participating employee status and is eligible for all group insurance benefits provided other participating employees, as well as is able to accumulate additional years of creditable service under the WRS for the additional period of covered employment.

**BILL**

This bill provides that, beginning on the bill's effective date, if a participant in the WRS, who is receiving an annuity, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position in covered employment in which he or she is expected to work at least two-thirds of what is considered full-time employment by DETF, as determined by rule, for an expected duration of one year or more, the participant's annuity must be terminated and no annuity payment is payable until after the participant terminates covered employment.

The bill also provides that if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, enters into a contract to provide employee services with a participating employer after the bill's effective date, and he or she is expected to work at least two-thirds of what is considered full-time employment by DETF, as determined by rule, for an expected duration of one year or more, the participant's retirement annuity must be terminated and no annuity payment is payable until after the participant no longer provides employee services under the contract.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1        **SECTION 1.** 40.23 (1) (a) 1. of the statutes is amended to read:

2        40.23 (1) (a) 1. The participant is separated, regardless of cause, and continues  
3        to be separated until the annuity effective date, the date 30 days after the application  
4        is received by the department, or the date ~~30~~ 180 days after separation, whichever  
5        is ~~later~~ latest, from all employment meeting the qualifications for inclusion specified  
6        in s. 40.22 for any participating employer.

History: 1981 c. 96, 386; 1983 a. 141, 267, 391; 1987 a. 30, 372; 1987 a. 403 s. 256; 1989 a. 13; 1989 a. 56 s. 259; 1991 a. 152; 1995 a. 225, 302, 414; 1997 a. 35, 69; 1999 a. 11; 2003 a. 33; 2005 a. 153, 154; 2007 a. 96; 2009 a. 28; 2011 a. 10, 32.

7        **SECTION 2.** 40.26 (1) of the statutes is amended to read:

8        40.26 (1) Except as provided in sub. (1m) and ss. 40.05 (2) (g) 2. and 40.23 (1)  
9        (am), if a participant receiving a retirement annuity, or a disability annuitant who  
10       has attained his or her normal retirement date, receives earnings that are subject  
11       to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified

## BILL

1 in s. 40.22 (2) (L), the annuity shall be terminated and no annuity payment shall be  
2 payable after the month in which the participant files with the department a written  
3 election to be included within the provisions of the Wisconsin retirement system as  
4 a participating employee.

History: 1981 c. 96; 1983 a. 255, 267, 290, 538; 1987 a. 138, 372; 1989 a. 13, 218; 1991 a. 141, 152, 315; 1993 a. 213; 1995 a. 302; 1999 a. 11.

→ SECTION #. CR; 40.26(1m) ←  
5 40.26 (1m) (a) If a participant receiving a retirement annuity, or a disability  
6 annuitant who has attained his or her normal retirement date, is appointed to a  
7 position in covered employment after the effective date of this paragraph .... [LRB  
8 inserts date], in which he or she is expected to work at least two-thirds of what is  
9 considered full-time employment by the department, as determined by rule, for an  
10 expected duration of one year or more, the participant's retirement annuity shall be  
11 terminated and no annuity payment shall be payable until after the participant  
12 terminates covered employment.

13 (b) If a participant receiving a retirement annuity, or a disability annuitant  
14 who has attained his or her normal retirement date, enters into a contract to provide  
15 employee services with a participating employer after the effective date of this  
16 paragraph .... [LRB inserts date], and he or she is expected to work at least  
17 two-thirds of what is considered full-time employment by the department, as  
18 determined by rule, for an expected duration of one year or more, the participant's  
19 retirement annuity shall be terminated and no annuity payment shall be payable  
20 until after the participant no longer provides employee services under the contract.

21 SECTION 3. 40.26 (2) (intro.) of the statutes is amended to read:

**BILL**

### SECTION 3

40.26 (2) (intro.) Upon termination of an annuity under sub. (1) or (1m), the retirement account of the participant whose annuity is so terminated shall be reestablished on the following basis:

**History:** 1981 c. 96; 1983 a. 255, 267, 290, 538; 1987 a. 138, 372; 1989 a. 13, 218; 1991 a. 141, 152, 315; 1993 a. 213; 1995 a. 302; 1999 a. 11.

#### SECTION 4. Nonstatutory provisions.

(1) PROMULGATION OF EMERGENCY RULES FOR REENTRY INTO SERVICE. The department of employee trust funds may use the procedure under section 227.24 of the statutes to promulgate rules under section 40.26 (1m) of the statutes, as created by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this subsection remain in effect until January 1, 2013, or the date on which permanent rules take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not required to provide evidence that promulgating a rule under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

## SECTION 5. Initial applicability.

(1) The treatment of section 40.23 (1) (a) 1. of the statutes first applies to participating employees under the Wisconsin Retirement System who terminate covered employment under the Wisconsin Retirement System on the effective date of this subsection.

**(END)**

## Champagne, Rick

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**From:** Hurley, Steve [Steve.Hurley@etf.state.wi.us]  
**Sent:** Thursday, October 06, 2011 4:10 PM  
**To:** Champagne, Rick  
**Cc:** Smith, Shawn - ETF  
**Subject:** Additional Changes Requested for LRB-2944/1 Topic: Rehire of WRS Annuitants (Ziegelbauer)  
**Attachments:** 11-29441.pdf; Changes for LRB 2944-1 Ziegelbauer.docx

Rick,

As you know, we have been working with Rep. Ziegelbauer's office on the draft of his Rehired Annuitant bill. They have indicated to us that they would like additional changes to the current draft (attached) that will not only address rehired annuitants, but will change overall WRS participation standards to be more in line with ERISA (understanding that ERISA does not technically apply to gov't plans) participation standards and the eligibility standards of the majority of peer retirement systems, and to synchronize those requirements with those in the rehired annuitant provisions of the draft (i.e., the proposed 40.26(1m) in Section 3).

The additional changes would also correct an issue inadvertently created in Act 32 (40.22) whereby a person with any employment with a WRS employer prior to July 1, 2011, would fall under the pre-Act-32 participation standard for subsequent employment with a WRS employer.

Please see the attached summary of the additional requested changes. Please contact me, or if I am unavailable, Shawn Smith to discuss. Thanks.

Steve

Steve Hurley, Director  
Office of Policy, Privacy & Compliance  
Wisconsin Department of Employee Trust Funds  
(☎) (608) 267-2847

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### Changes to LRB-2944/1 (Ziegelbauer)

In LRB-2944/1, Rep. Ziegelbauer would like to add provisions to address overall WRS participation standards and synchronize them with the WRS eligibility standard for rehired annuitants [Section 3 LRB-2944/1]. He would also like to make a technical correction to eligibility language in 40.22 (2m) that was created by 2011 Wisconsin Act 32.

- Overall WRS Participation Standards: Set the WRS participation standard in 40.22, Stats., for non-teachers and non-school district educational support personnel at 1,000 hours, and for teachers and school district educational support personnel (not including educational support personnel for technical colleges and other educational institutions), at 660 hours. This is what would be considered  $\frac{1}{2}$  of full time employment for purposes of initial eligibility.
- Correct an Applicability Issue with 40.22 (2m): Amend 40.22 (2m) such that the initial employment must have been WRS-participating employment. The changes outlined in 2011 Act 32 do not modify the eligibility criteria for any employee initially employed by a WRS participating employer prior to July 1, 2011, including both WRS eligible and non-WRS eligible employees.

The problem with the current language is that employers must consider any employment with a participating WRS employer prior to July 1, 2011, when determining WRS eligibility under Act 32. Any employee who received earnings for personal services rendered from a participating employer would have been evaluated for WRS eligibility, to include seasonal, project, limited-term, temporary and/or part-time employees, members of boards and commissions, and elected officials. The eligibility criteria regarding expected hours for these employees remains at least one-third of full time per year (600 and 440 hours).

- Synchronize the Participation Levels for Rehired Annuitants with Overall WRS Participation Standards: Amend the participation levels in Section 3 (the proposed 40.26 (1m) to conform to the participation standards in the proposed 40.22.



## Champagne, Rick

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**From:** Smith, Shawn [Shawn.Smith@etf.state.wi.us]  
**Sent:** Friday, October 14, 2011 8:09 AM  
**To:** Champagne, Rick  
**Cc:** Hurley, Steve - ETF; Kostelic, Luanne  
**Subject:** RE: Notification of Legislative Activity

That is accurate. The intent is to do two things as it relates to eligibility: marry the eligibility criteria under which a rehired annuitant would need to rejoin the WRS (1000 hours or roughly half-time/expectation that they will work at least a year) with a reduction in the eligibility threshold overall to 1000 hours for new employees, reducing it from the current 2/3rds standard. Obviously, these hours are for the generals with 660 for teachers, etc.

Let me know if you need anything else.

~Shawn

-----Original Message-----

**From:** Champagne, Rick [mailto:Rick.Champagne@legis.wisconsin.gov]  
**Sent:** Friday, October 14, 2011 8:03 AM  
**To:** Smith, Shawn  
**Subject:** RE: Notification of Legislative Activity

Shawn, question: As I look at the instructions, it appears that you want to get rid of the new 2/3s requirement for WRS participation that came in in Act 32 and reduce it to the 1,000/ 660 hours. Is that accurate?

-----Original Message-----

**From:** Smith, Shawn [mailto:Shawn.Smith@etf.state.wi.us]  
**Sent:** Friday, October 14, 2011 8:00 AM  
**To:** Champagne, Rick  
**Subject:** RE: Notification of Legislative Activity

Fantastic, thank you.

-----Original Message-----

**From:** Champagne, Rick [mailto:Rick.Champagne@legis.wisconsin.gov]  
**Sent:** Friday, October 14, 2011 6:52 AM  
**To:** Hurley, Steve  
**Cc:** Smith, Shawn  
**Subject:** RE: Notification of Legislative Activity

Will try to get it to you and Rep. Ziegelbauer early next week. Special Session bills and Tuesday's floor calendar are top priorities right now. But I will do what I can.



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-2944/1  
RACjld:rs

*True, if possible*

2011 BILL

*eligibility for participating employee status and the Wisconsin Retirement System*

*- refer cat*

*✓*

1

AN ACT *to amend* 40.23 (1) (a) 1., 40.26 (1) and 40.26 (2) (intro.); and *to create*

2

40.26 (1m) of the statutes; **relating to:** post-retirement employment of

3

annuitants under the Wisconsin Retirement System *providing an exemption*

4

*from emergency rule procedures, and granting rule-making authority.*

**Analysis by the Legislative Reference Bureau**

Under current law, a participant in the Wisconsin Retirement System (WRS) who has attained the age of 55, or a protective occupation participant who has attained age 50, is entitled to receive a WRS annuity if, among other requirements, the participant is separated from covered employment under the WRS until the latest of the following: the annuity effective date; the date 30 days after the application is received by the Department of Employee Trust Funds (DET); or the date 30 days after separation from all covered employment. The bill provides that the participant must be separated from covered employment under the WRS for at least 180 days.

In addition, under current law, when a WRS participant terminates covered employment and becomes an annuitant he or she may return to covered employment and either terminate the annuity and again become a participating employee or, instead, continue to receive the annuity, as well as wages from covered employment. If a participant continues to receive the annuity, he or she may not be a participating employee in the WRS and, in the case of state employment, is not eligible for group insurance benefits provided to participating employees, and may not use any of his or her employment service as a rehired annuitant for any WRS purposes. If the

*Insert Analysis*

*plain \**

**BILL**

participant terminates the annuity, he or she returns to participating employee status and is eligible for all group insurance benefits provided other participating employees, as well as is able to accumulate additional years of creditable service under the WRS for the additional period of covered employment.

This bill provides that, beginning on the bill's effective date, if a participant in the WRS, who is receiving an annuity, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position in covered employment in which he or she is expected to work at least ~~two-thirds of what is considered full-time employment by DETF, as determined by rule, for an expected duration of one year or more~~, the participant's annuity must be terminated and no annuity payment is payable until after the participant terminates covered employment.

The bill also provides that, if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, enters into a contract to provide employee services with a participating employer after the bill's effective date, and he or she is expected to work at least ~~two-thirds of what is considered full-time employment by DETF, as determined by rule, for an expected duration of one year or more~~, the participant's retirement annuity must be terminated and no annuity payment is payable until after the participant no longer provides employee services under the contract.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 40.23 (1) (a) 1. of the statutes is amended to read:

40.23 (1) (a) 1. The participant is separated, regardless of cause, and continues to be separated until the annuity effective date, the date 30 days after the application is received by the department, or the date ~~30~~ 180 days after separation, whichever is later latest, from all employment meeting the qualifications for inclusion specified in s. 40.22 for any participating employer.

**SECTION 2.** 40.26 (1) of the statutes is amended to read:

40.26 (1) Except as provided in sub. (1m) and ss. 40.05 (2) (g) 2. and 40.23 (1) (am), if a participant receiving a retirement annuity, or a disability annuitant who

**BILL**

has attained his or her normal retirement date, receives earnings that are subject to s. 40.05 (1) or that would be subject to s. 40.05 (1) except for the exclusion specified in s. 40.22 (2) (L), the annuity shall be terminated and no annuity payment shall be payable after the month in which the participant files with the department a written election to be included within the provisions of the Wisconsin retirement system as a participating employee.

**SECTION 3.** 40.26 (1m) of the statutes is created to read:

40.26 (1m) (a) If a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position in covered employment after the effective date of this paragraph .... [LRB inserts date], in which he or she is expected to work at least <sup>ONE-half</sup> ~~two-thirds~~ of what is considered full-time employment ~~by the department~~, as <sup>determined by rule</sup> ~~determined by rule~~, for an <sup>expected duration of one year or more</sup> ~~expected duration of one year or more~~ the participant's retirement annuity shall be terminated and no annuity payment shall be payable until after the participant terminates covered employment.

(b) If a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, enters into a contract to provide employee services with a participating employer after the effective date of this paragraph .... [LRB inserts date], and he or she is expected to work at least <sup>ONE-half</sup> ~~two-thirds~~ of what is considered full-time employment ~~by the department~~, as <sup>determined by rule</sup> ~~determined by rule~~, for an <sup>expected duration of one year or more</sup> ~~expected duration of one year or more~~ the participant's retirement annuity shall be terminated and no annuity payment shall be payable until after the participant no longer provides employee services under the contract.

**SECTION 4.** 40.26 (2) (intro.) of the statutes is amended to read:

provided under s. 40.22(2)(am)

**BILL**

1           40.26 (2) (intro.) Upon termination of an annuity under sub. (1) or (1m), the  
2           retirement account of the participant whose annuity is so terminated shall be  
3           reestablished on the following basis:

**SECTION 5. Nonstatutory provisions.**

4  
5           (1) ~~PROMULGATION OF EMERGENCY RULES FOR REENTRY INTO SERVICE. The~~  
6           ~~department of employee trust funds may use the procedure under section 227.24 of~~  
7           ~~the statutes to promulgate rules under section 40.26 (1m) of the statutes, as created~~  
8           ~~by this act. Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency~~  
9           ~~rules promulgated under this subsection remain in effect until January 1, 2013, or~~  
10          ~~the date on which permanent rules take effect, whichever is sooner.~~  
11          ~~Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the department is not~~  
12          ~~required to provide evidence that promulgating a rule under this subsection as an~~  
13          ~~emergency rule is necessary for the preservation of the public peace, health, safety,~~  
14          ~~or welfare and is not required to provide a finding of emergency for a rule~~  
15          ~~promulgated under this subsection.~~

**SECTION 6. Initial applicability.**

16  
17          (1) The treatment of section 40.23 (1) (a) 1. of the statutes first applies to  
18          participating employees under the Wisconsin Retirement System who terminate  
19          covered employment under the Wisconsin Retirement System on the effective date  
20          of this subsection.

21  
(END)

**2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2944/2ins  
RAC:jld:rs

**Insert Analysis:**

2011 Wisconsin Act 32 increased the number of hours that an employee must work in order to become a participating employee in the WRS, from one-third of what is considered full-time employment to two-thirds of what is considered full-time employment, as determined by DETF by rule. This change in law applied to those employees who were first hired by a WRS employer on or after July 1, 2011. This bill reduces that eligibility requirement to 660 hours for a teacher or educational support personnel employee, and 1,000 hours for all other employees. The bill further provides that this change in law does not affect employees who were participating employees at any time before July 1, 2011. As a result, these individuals are subject to the one-third employment requirement for WRS participation purposes.

**Insert 2-1**

**SECTION 1.** 40.22 (2) (a) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

40.22 (2) (a) Except as provided in sub. (2m), the employee was initially employed by a participating employer a participating employee before July 1, 2011, and is not expected to work at least one-third of what is considered full-time employment by the department, as determined by rule.

History: 1981 c. 96, 386; 1989 a. 13; 1991 a. 152; 1993 a. 399; 1995 a. 216; 1997 a. 69, 110; 1999 a. 150 s. 672; 2001 a. 104; 2009 a. 15, 28; 2011 a. 32.

**SECTION 2.** 40.22 (2) (am) of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

40.22 (2) (am) Except as provided in sub. (2r), the employee was initially employed by a participating employer on or after July 1, 2011, and is not expected to work at least ~~two-thirds~~ one-half of what is considered full-time employment by the department, as determined by rule. For teachers and educational support personnel employees, one-half of what is considered full-time employment is 660 hours of employment with an employer in one year. For all other employees, one-half

cont

of what is considered full-time employment is 1,000 hours of employment with an employer in one year. plain period

\* History: 1981 c. 96, 386; 1989 a. 13; 1991 a. 152; 1993 a. 399; 1995 a. 216; 1997 a. 69, 110; 1999 a. 150 s. 672; 2001 a. 104; 2009 a. 15, 28; 2011 a. 32.

**SECTION 3.** 40.22 (2m) (intro.) of the statutes, as affected by 2011 Wisconsin Act 32, is amended to read:

40.22 (2m) (intro.) An employee who was initially employed by a participating employer a participating employee before July 1, 2011, who is not expected to work at least one-third of what is considered full-time employment by the department, as determined by rule, and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or she is subsequently employed by the state agency or other participating employer for either of the following periods:

History: 1981 c. 96, 386; 1989 a. 13; 1991 a. 152; 1993 a. 399; 1995 a. 216; 1997 a. 69, 110; 1999 a. 150 s. 672; 2001 a. 104; 2009 a. 15, 28; 2011 a. 32.

**SECTION 4.** 40.22 (2r) of the statutes, as created by 2011 Wisconsin Act 32, is amended to read:

40.22 (2r) An employee who was initially employed by a participating employer on or after July 1, 2011, who is not expected to work at least ~~two-thirds~~ one-half of what is considered full-time employment by the department, as determined by rule provided under sub. (2) (am), and who is not otherwise excluded under sub. (2) from becoming a participating employee shall become a participating employee if he or she is subsequently employed by the state agency or other participating employer for either of the following periods:

(a) At least one year for at least ~~two-thirds~~ one-half of what is considered full-time employment by the department, as determined by rule, or, for an educational support personnel employee, at least one year for at least two-thirds of what is considered full-time employment for a teacher provided under sub. (2) (am).



(b) At least ~~1,200~~ <sup>✓</sup>1,000 hours in the immediately preceding 12-month period.

History: 1981 c. 96, 386; 1989 a. 13; 1991 a. 152; 1993 a. 399; 1994 a. 216; 1997 a. 69, 110; 1999 a. 150 s. 672; 2001 a. 104; 2009 a. 15, 28; 2011 a. 32.

**SECTION 5.** 40.22 (3) (b) 2. of the statutes, as created by 2011 Wisconsin Act 32,

is amended to read:

40.22 (3) (b) 2. The first day after completion of one year of employment for at least ~~two-thirds~~ <sup>✓</sup>one-half of what is considered full-time employment ~~by the department, as determined by rule provided under sub. (2) (am)~~ <sup>✓</sup>, if the person becomes a participating employee under sub. (2r) after the employer's effective date of participation.

History: 1981 c. 96, 386; 1989 a. 13; 1991 a. 152; 1993 a. 399; 1995 a. 216; 1997 a. 69, 110; 1999 a. 150 s. 672; 2001 a. 104; 2009 a. 15, 28; 2011 a. 32.

(end ins 2-1)



**Godwin, Gigi**

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**From:** Kostelic, Luanne  
**Sent:** Monday, October 24, 2011 2:31 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2944/2 Topic: Rehire of WRS Annuitants

Please Jacket LRB 11-2944/2 for the ASSEMBLY.